

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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|------------------------------|---|-----------------|
| NORMA PANTOJA and |) | |
| JANETHA ADRIANA BARRAGA CRUZ |) | |
| |) | NO. 3:17-0675 |
| v. |) | Crenshaw/Holmes |
| |) | |
| JEAN PEREZ |) | |

ORDER AND ORDER FOR DEFENDANT TO SHOW CAUSE

Pending before the Court is Plaintiffs' motion to continue the initial case management conference scheduled for January 22, 2018 (Docket No. 22), which is GRANTED, but on the conditions discussed below.

This case has a rocky history, which is recited in Chief Judge Crenshaw's order of December 15, 2017 (Docket No. 19). Because an initial case management conference has not yet been held, there is no plan or schedule for the progression of this case toward disposition, despite the fact that the case has been pending for almost 10 months. Additionally, although Plaintiffs' proposed case management order (Docket No. 21) recites conversations between Plaintiffs' counsel and an attorney for the only remaining Defendant, Jean Perez, no appearance has been entered by an attorney on behalf of Defendant Perez.¹ Nor did Defendant Perez file an answer by October 2, 2017, as required by the Court's order of September 15, 2017 (Docket No. 13).

Therefore, in an effort to get this case on track, the Court ORDERS the following:

1. The initial case management conference is RESCHEDULED for **Wednesday, February 7, 2018, at 10:00 a.m. (Central)** in Courtroom 764, U.S. Courthouse, 801 Broadway,

¹ The remaining Defendants were dismissed without prejudice under Fed. R. Civ. P. 4(m). See Docket Nos. 11 and 12. Plaintiffs shall therefore discontinue including those Defendants in case captions.

Nashville, Tennessee. If this date and time are not convenient for the parties, they must contact Ms. Jeanne Cox, Courtroom Deputy, at 615-736-5164, **by no later than January 26, 2018**, to obtain another mutually agreeable date and time available on the Magistrate Judge's calendar, and must also file by that same date an appropriate motion to continue. **Noncompliance with this provision either by failing to appear for the scheduled initial case management conference or failing to timely request a continuance according to the instructions in this provision will result in a recommendation made to the District Judge for entry of judgment against the noncompliant party or other sanctions.**

2. **By no later than three (3) business days prior** to the rescheduled initial case management conference, the parties shall file a joint proposed initial case management order, about which they have conferred, as directed in the original notice (Docket No. 6). If, however, Defendant has not by that time participated in this case as directed by this Order, it is not necessary for Plaintiff to refile a proposed initial case management order. Any joint proposed initial case management order must also be emailed in Word format to Ms. Jeanne Cox, Courtroom Deputy, at Jeanne_W_Cox@tnmd.uscourts.gov.

3. **By no later than January 31, 2018**, Defendant Jean Perez must either (i) obtain counsel, who shall by that date enter a notice of appearance in accordance with local rules, or (ii) notify the Court of her intention to proceed *pro se*. **Failure to comply with this provision will result in a recommendation to the District Judge for entry of default against Defendant Perez.**

4. **By no later than January 31, 2018**, Defendant Jean Perez must also show cause why default should not be entered against her for failure to timely answer as directed by the Court's

order of September 15, 2017 (Docket No. 13). **Failure to comply with this provision will result in a recommendation to the District Judge for entry of default against Defendant Perez.**

The Clerk shall send a copy of this Order to Defendant Jean Perez by first class mail only to 12614 River Bend Circle, Laredo, Texas, 78045. The Clerk shall also send a copy (by first class mail only) to Defendant Jean Perez c/o Andres Reyes, Esq., to 401 East Hillside Road, Capitol Centre, Laredo, Texas, 78041-3275.

It is SO ORDERED.


BARBARA D. HOLMES
United States Magistrate Judge